

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

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Grinnell Mutual Insurance Company  
as subrogee of Brandon J. Kelly,

Plaintiff,

vs.

COMPLAINT

United States of America,

Defendant.

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Plaintiff, as and for its Complaint against the defendant, states and alleges as follows:

**JURISDICTION**

I.

This Court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. § 1346(b).

II.

On or around May 31<sup>st</sup>, 2011, Grinnell Mutual Insurance Company, a/s/o Brian Wallace Johnson, presented an administrative claim to the United States Postal Service. The United States Postal Service denied this administrative claim on or about June 16<sup>th</sup>, 2011.

**CLAIM**

III.

On or about April 18<sup>th</sup>, 2011, in the City of Long Prairie, the State of Minnesota, an agent of Defendant, Brian Wallace Johnson, drove a motor vehicle owned by Brian Wallace Johnson, while in the course and scope of his employment with the United States Postal Service, in such a

negligent manner as to cause it to collide with a vehicle owned by Plaintiff's insured, Brandon John Kelly.

IV.

As a direct and proximate result of the negligence of the Defendant described in Paragraph III above, the vehicle owned by Brandon John Kelly sustained damages in the amount of Five Thousand, Nine Hundred Ninety-four Dollars and 75/100 Cents (\$5,994.75).

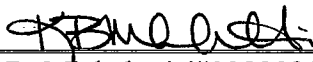
V.

That at all times material herein, Grinnell Mutual Insurance Company provided insurance coverage to Brandon John Kelly for damages sustained to his vehicle, and herein, asserts its rights of subrogation for the damages sustained.

WHEREFORE, Plaintiff prays for judgment against the Defendant in the amount of Five Thousand, Nine Hundred Ninety-four Dollars and 75/100 Cents (\$5,994.75), together with interest thereon, costs and disbursements incurred herein, reasonable attorneys' fees and for such other and further relief as the Court deems just and equitable.

**YOST & BAILL, LLP**

Dated: 10/4/2011

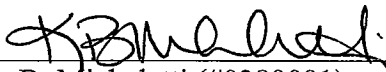
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Attorneys for Plaintiffs

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. Section 549.211, subdivision 2, to the party against whom the allegations in the pleading are asserted.

Dated: 10/4/2011

YOST & BAILL, LLP

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